

In June 1979, Jerry Falwell, senior flamboyant Baptist minister, announced his intention to build one of the most powerful political -one of the coalitions in most powerful American history and the more majority as it will later be tagged was not only instrumental in the election of Ronald Reagan, it also forged this bond between the republican party and christian fundamentalist groups that persist till this day. consider how many conservative candidates in recent years called for their cushion believes to serve as the bedrock of American identity. you have Doug Mastriano in Pennsylvania. he just won the republican gubernatorial primer, excuse me, he claimed that the separation of church and state is a myth. that sentiment has been echoed by republican congressperson Lauren and Marjorie Taylor Greene, and in fact, just this month, Wilbur described the separation of his church and state as junk. now you might be tempted to dismiss that statement, but this is coming from a sitting member of congress. believes that used to be held by fringed extremists are now held by people who hold positions of power inside the USA government. arguably nowhere has been more impacted by this ongoing bond between christian fundamentalists and conservatives and the supreme court. just this term, the court's conservative majority ruled that state programs providing money for public school tuition cannot exclude religious schools. the conservative majority back to high school football coach who was suspended by the public school district for leading christian prayers with players on the field. but and this is the most important point for us to make here. the influence of christian extremism on the supreme court goes well beyond cases with a specific religious bet. it is the reason that the court just overthrown roe v. wade -- the movement was disbanded in the late 80s, but we now are, and will be forever changed as a nation because of the religious beliefs of the few. tuning in now is the professor at Harvard law school and coauthor to end presidency, the power of impeachment. professor, great to have you back on the show. talk to me from a legal point of view how you believe conservatives have eroded the wall separating church and state in America go thank you for having. me on, >> and thank you so much for recognizing that this fundamental issue, fundamental to the very nature of our republic, which is not supposed to be a theocracy, but a secular republican form of government. thank you for -- present not only in the obvious cases, they case where a public football coach, surrounded by players who are pressured to join them in prayer raise an issue about separation of church and state. not just in cases where public money is spent on religious schools. but cases where our freedom, our liberty, our bodily integrity is involved. specifically, the overruling of roe v. wade. when the court, in the majority opinion by justice Alito, said this case is different from all others, you do not have to worry about same-sex marriage, you do not have to worry about contraception, you do not have to worry about sexual intimacy because in this case, we are protecting the life of an unborn born child. from the moment of conception, the court basically says, there is a unique soul, they did not use those words, but that is the only way to understand this decision. there are many religions that teach that a human souls created a conception. but there is no secular basis to draw that line. some religions have a very different view, they say that until much later point in pregnancy, all you have is potential life. and of, course there's potential life. that is true even of the unfertilized over. but there are some religions, some other orthodox Jews, and others, and says that our religion teachers that we must prioritize the health and life of the mother over the fetus. when we have disputed that religious kind, the solution is not for the state to take sides. not for the state to say, as the supreme court said, and some states may choose to say, that we are going to go with the christian point of view of certain evangelicals or Catholics. the solution is to leave the choice to the individual, and her family, her doctor. the court has crossed that line, and that is very dangerous. >> why are the conservative justices so willing to go along with this, you think? is it because of their own individual religious ideologies? >> I cannot pretend to know what makes them tick, personally. but they are not just going along with it. this has been their agenda since the beginning. Amy Coney Barrett, who is a member of a particular religious group that says that the woman is supposed to do whatever husband wants her to do. has, from the very beginning, said that roe v. wade is an abomination. justices like Kavanaugh and Gorsuch. who are new on the court, and Alito and -- have had this is part of their political agenda, to blend religion and politics? and as the dissenting justices said, that is very dangerous in a country of 300 million with more than 100 religions. the only way we can have civil piece, is to avoid having the government endorsed any religious view. and until a few days ago, that was the position of the supreme court. it was the non-endorsement test that said, whether anyone is forced to adopt a religion, the government should not put its weight behind a religious view, should not endorse that view. justice Gorsuch, writing for the majority in one of the cases that the court decided. specifically, the case involving coach Kennedy said, we are no longer going to look at whether government is putting its weight behind a certain religion, unless we can find coercion. and then he basically presented a phony picture of the facts, justice Sotomayor, showed a picture of the pressure on the football players. >> yes, he was not alone at the 50-yard line, as what was widely believed when you look at the image. where do you think this may lead us? you touched on this in the concurrence that was issued in the roe case, that ultimately overturned roe v. wade, and the dog's case. the fear among others, this religious -- when you listen to people like ted Cruz who say that the supreme court made the wrong decision about same-sex marriage. where do you see this going next? >> I am afraid it is not just ted Cruz, but it was the justices themselves, several of them, that said that -- same sex marriage, really deserves to be respected as president. I have not heard justice Thomas, who has attacked, and attacked cases like Lawrence v Texas involving same-sex intimacy, I have not heard him attack this supreme court's decision about interracial marriage. but it is all part of the fabric that says that when a certain kind of christian belief says that you are not supposed to act in a certain way, the people who hold that belief can get states on their side to impose coercion. when you have people imposing their beliefs coercively, we are in trouble. >> one of the things that justice Kavanaugh, and justice Thomas, and some of the other justices did. justice Alito in the majority of hear opinion. he cites sir Robert Hale, in support of this view. Robert hill was a 17th century thinker, who believe that women should be burned as witches. I am not saying this court will go that far, but a court that treats that as part of the original meeting of the constitution, and basically trashes the wall of separation between church and state, that was so important to Jefferson and Madison, is a court that can lead [christian nationalism appears ascendant in GOP politics](#)